



# City of Boardman

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## **AMENDED AGENDA City of Boardman Planning Commission Wednesday, February 15, 2023 Boardman City Hall Council Chambers 7:00 PM**

**Members of Commission:** Jacob Cain, Chair  
Jennifer Leighton  
Sam Irons

Michael Connell  
Ethan Salata

Zack Barresse, Vice Chair  
Ragna TenEyck

**Members of Staff:** Carla McLane, Planning Official

Jackie McCauley, Acting Recorder

**ZOOM Meeting Information is Available on the City's Website  
Under [Agendas, Minutes & Videos](#)**

- **CALL TO ORDER**
- **FLAG SALUTE**
  - I pledge allegiance to the flag of the United States of America and to the republic for which it stands: one nation under God, indivisible with liberty and justice for all.@
- **ROLL CALL**
- **APPROVAL OF MINUTES**
  - November 16, 2022
- **ELECTION OF OFFICERS**
  - Chair
  - Vice Chair
- **PUBLIC HEARINGS (Commission Action Required)**
  - VAR23-005. Francisco Mendoza, applicant, and Jose Pacheco and Maria Madrigal, owners. The subject property is described as tax lot 200 of Assessor's Map 4N 25E 17AB and is zoned Residential. This request is to grant a variance to the front yard setbacks of more than 10 percent. Criteria are found in the Boardman Development Code Chapter 5.1 Variance specifically 5.1.400 Class C Variances and is being processed as a Type III decision.

- **DISCUSSION ITEMS**

- City of Boardman Main Street “Downtown” Development Plan

- **PUBLIC COMMENT**

- This time is set aside for persons wishing to address the Planning Commission on matters not on the agenda. Speakers will be limited to five minutes. If written material is provided at least eight copies of all information will be provided to the Planning Official or Recorder prior to the meeting. Action will not be taken at this meeting on public comments.

- **COMMISSION COMMENTS**

- **ADJOURN**

**Future Meetings:**

March 15, 2023 (if needed)

7:00 p.m.

City of Boardman Council Chambers

## **BOARDMAN PLANNING COMMISSION MINUTES - REGULAR MEETING-NOVEMBER 16, 2022**

Commission Chair Jacob Cain called the meeting to order at 7:00 p.m. He led the flag salute and asked for roll call:

Commissioners  
in Attendance: Karla Jimenez, Sam Irons, Jennifer Leighton, and Jacob Cain (in person) and Ragna TenEyck (via Zoom)

Commissioners Absent: Zack Barresse- Excused and Ethan Salata-Unexcused

Staff: Carla McLane-Planning Official, Jackie McCauley-Acting Recorder, Karen Pettigrew-City Manager, and Rick Stokoe-Chief of Police/Assistant City Manager

Audience: None

### **APPROVAL OF MINUTES**

October 19, 2022

Commissioner Irons made a motion to approved the minutes as presented. Commissioner Leighton seconded the motion. The motion passed 5-0.

### **DISCUSSION ITEMS**

Planning Officials Report

Planning Official McLane reports:

- 110 Zoning Approvals have been issued this year. This does not include other land use applications, which would bring that total to over 120 for the year.
- The city is still looking for either a Senior Planner or a Planning Official. She made a six to nine month commitment to the city; nine months was yesterday.
- A land partition request has come in which will be a Type II decision. It will not need to come before the planning commission. She anticipates another land partition coming in also.
- A variance request came in from a developer on a single-family dwelling. They were, again, within the setbacks. She and the building official will continue to work with developers to prevent this from happening in the future.
- The Maughan property on South Main Street potentially has land use happening.
- An application for a manufactured home park came in, but was deemed incomplete; more required material needs to be submitted before the application is accepted. This would then come before the planning commission in a hearing.
- Commissioner Jimenez has emailed she will not be able to serve another term on the planning commission. On December 31, 2022 three terms are up: Jacob Cain, Karla Jimenez and Jennifer Leighton. Planning Official McLane is sorry to see Commissioner Jimenez leave and is hopeful the other two commissioner want to continue to serve. If any commissioner knows of someone who would like to serve on the planning commission, they are to let Planning Official McLane know.

### Public Hearings – a Review of the Process

Planning Official McLane reviewed sections of both the Boardman Municipal Code and the Boardman Development Code. Some of the language in the municipal code does not accurately reflect how the planning commission has been functioning, such as the municipal code says there is a president and vice president; currently the planning commission has a chair and a vice chair. The municipal code also states at the first meeting of the year, the planning commission elects a secretary; the city provides staff to fulfill that position. These are the codes that need to be changed or the planning commission should function under the existing code.

The development code has language on how to conduct a public hearing. Commission Chair Cain said he likes the way the Morrow County Planning Commission states their hearings. Planning Official McLane will work on a new hearing script to use in future hearings based upon the development code. There are statements required to be said at the hearing. Planning Official McLane explained how to continue a hearing and why its important to state the date the hearing is continued to in order to avoid re-noticing the hearing. She said the chair should clarify at the hearing if the public testimony is closed and if the written testimony is still open or not.

Planning Official McLane explained what conflict of interest and ex parte contact means. She feels if a commissioner recuses themselves from a decision, they should leave the dais and sit in the audience.

Planning Official McLane explained how a public hearing is conducted within a public meeting and the steps to follow to do so. She said the chair may set limits on testimony in certain circumstances. She said there is to be no more oral testimony after the close of public comment; only written testimony may be accepted, if written testimony has not also been closed.

Planning Official McLane said the code allow for commissioners to actually visit the subject property of a land use decision and may use the information obtained to support their decision. Commissioners will need to disclose this if they visit the property.

Planning Official McLane explained how the planning commission is to make a decision. The decision must be based upon the criteria and standards considered relevant to the decision. The public cannot oppose a project simply because they do not like the project. They, too, must speak only regarding the criteria and standards relevant to a decision. Planning Official McLane said motions should contain language stating what substantive criteria the decision is based upon. Likewise, if commissioners' motion to deny, they need to say what their decision is based upon. The reason to deny will be added to the record.

Planning Official McLane went over the decision process, including the forms of decisions, timelines, notices and effective date from the development code. Previously Commission Chair Cain was signing only the large projects decisions. He is now signing all decisions.

Planning Official McLane explained to the commission how it is not necessary to abstain from voting on meeting minutes if they were not present at the meeting the minutes were recorded from. The approval of minutes is a reflection of the business that took place. If a commissioner is uncertain, they may ask staff questions. She encourages commissioners if they have missed a meeting to read the draft minutes and watch the meeting video.

#### Training Topic

Planning Official McLane reviewed the information in the commissioners' binders. She encourages them to read the information as it speaks to how the planning commission functions. She will let the commissioners know when there is training in the region so they have the opportunity to attend.

#### Update of the Planning Documents

Planning Official McLane asked the commissioners where they would like to start on updating planning code. The Boardman Comprehensive Plan is the guidance and the Boardman Development Code is how the commission regulates based on that guidance. They go hand in hand; perhaps both should be updated in alternating steps to avoid being in conflict. There are several planning documents the city has adopted that need to be updated such as the comprehensive plan, the development code, and the transportation plans.

#### **8:00 p.m. Commissioner TenEyck left meeting for family reasons.**

Commission Chair Cain said previously the planning commission held a joint workshop with the city council to discuss code updates, but they did not progress very far. He remembers talking about changing building heights. Acting Recorder McCauley remembers discussion also about changing building length because of a couple variance requests in the past.

Planning Official McLane suggested the commission start again. She mentioned there are a number of codes that need to line up such as the public works standards and the municipal code.

Commission Chair Cain said since the current development code was adopted housing types have changed. The code needs to allow for it. Planning Official McLane said the commission may start with the comprehensive plan as it is guidance and not regulatory.

**Meeting was adjourned at 8:20 p.m.**

**PRELIMINARY FINDINGS OF FACT  
PLANNING COMMISSION  
VARIANCE VAR23-005**

**REQUEST:** To allow a SIDE yard setback variance of greater than 10 percent.

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**APPLICANT:** Francisco Mendoza  
Post Office Box 303  
Irrigon, Oregon 97844

**OWNER** Jose Pacheco and Maria Madrigal  
Post Office Box 642  
Boardman, Oregon 97818

**PROPERTY DESCRIPTION:** Tax Lot 200 of Assessor's Map 4N 25 17AB.

**ZONING OF THE AREA:** Residential

**PROPERTY LOCATION:** South of Interstate 84 and east of Main Street at the corner of SW Willow Fork and SW Cottonwood Loop; part of the Columbia Terrace Addition

- I. **GENERAL INFORMATION:** During preparation for closing, it was identified that the side yard fronting to Willow Fork Drive is at the closest 12.0 feet, which is not in conformance with the 15-foot side yard setback requirement.
- II. **APPROVAL CRITERIA:** The application has been filed under the City of Boardman Development Code Chapter 5.1 Variances, more specifically 5.1.400 Class C Variances. The criteria are identified below in **bold** type with responses in regular type.

**5.1.400 Class C Variances**

- A. **Purpose.** The purpose of this section is to provide standards for variances which exceed the Class A and Class B variance criteria in Sections 5.1.200 and 5.1.300. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands (Chapter 3.7), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district); except that no variances to "permitted uses" or "prohibited uses" shall be granted.

At the time of closing of the property it was identified that the home did not meet the side yard setback requirements of 15-feet when a structure is on a corner lot or has frontage on more than one side. This triggered the need for a variance.

**B. Applicability.**

1. The variance standards are intended to apply to individual platted and recorded lots only.
2. An applicant who proposes to vary a specification standard for lots not yet created through a land division process may not utilize the Class C variance procedure.
3. A variance shall not be approved which would vary the “permitted uses” or “prohibited uses” of a land use district (Chapter 2).
4. Variance to Parking Standards (Chapter 3.3).
  - a. The City may approve variances to the minimum or maximum standards for off-street parking in Section 3.3.100 upon finding all of the following:
    - (1) The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
    - (2) The need for additional parking cannot reasonably be met through shared parking with adjacent or nearby uses; and
    - (3) All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.
  - b. The City may approve a reduction of required bicycle parking per Section 3.3.200, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
  - c. The City may allow a reduction in the amount of vehicle stacking area required for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

This Variance is applicable to a platted lot, is not for a lot not yet created, and does not address a permitted or prohibited uses. It is also not concerned with parking standards.

**C. Approvals Process and Criteria.**

1. Class C variances shall be processed using a Type III procedure, as governed by Section 4.1.500, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 4.1.500, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.

This Variance request has been processed as a Type III with notice and a public hearing before the Planning Commission.

2. The City shall approve, or approve with conditions, an application for a variance based on finding that all of the following criteria are satisfied:
  - a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
  - b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

- c. The use proposed will be the same as permitted under this title, and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- d. Existing physical and natural systems, such as, but not limited to, traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
- e. The hardship is not self-imposed; and
- f. The variance requested is the minimum variance which would alleviate the hardship.

The proposed variance is not materially detrimental to this Code or applicable policies or standards. The subject property is relatively flat and has no development impediments. The Variance will not impact the proposed residential use. Physical and natural systems are not impacted by the use or this Variance. The Variance requested is the minimum needed to alleviate the hardship.

The hardship could be deemed to have been self-imposed as the standard for a 15-foot setback was known. It is unclear how the dwelling, at the time of the foundation survey, was identified to be between 12.0-feet and 14.8-feet from the property line. Implementation of string lines has been accomplished with this development happening prior.

- III. **LEGAL NOTICE PUBLISHED:** East Oregonian  
January 24, 2023
- IV. **PROPERTY OWNERS NOTIFIED:** January 24, 2023
- V. **AGENCIES NOTIFIED:** February 8, 2023  
Glenn McIntyre, Building Official; Kevin Kennedy, Public Works Director; Rolf Prag, Special Projects Manager; Marty Broadbent, Boardman Fire Protection District
- VI. **HEARING DATE:** February 15, 2023  
Council Chambers  
Boardman City Hall  
200 City Center Circle  
Boardman, Oregon 97818
- VII. **PLANNING OFFICIAL RECOMMENDATION:** The Planning Official recommends approval.

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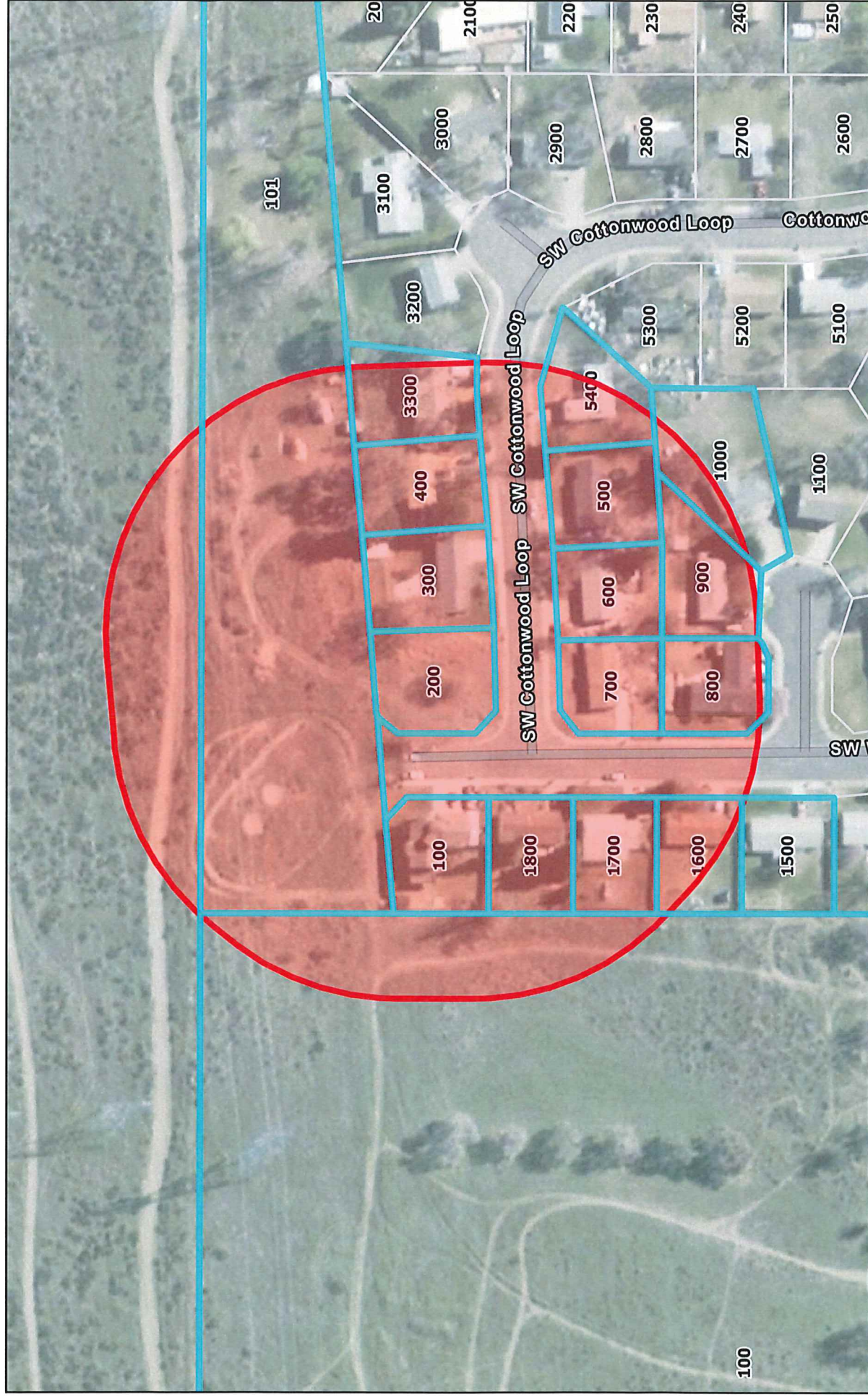
Jacob Cain, Chair  
Planning Commission

Date

ATTACHMENTS:  
Vicinity Map  
Foundation Survey



VAR23-005



1/20/2023, 1:24:08 PM

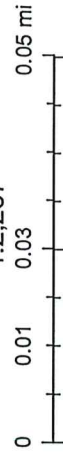


CityLimits



## Taxlots

1:2,257



Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE,

Benton County WA, Maxar, Microsoft | Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land



Township 4 North, Range 25 East, W.M, Section 17  
 Tax Lot Map 4N 25 17AB, Tax Lot 200  
 Lot 11, Block 4 of Columbia Terrace Addition  
 103 SW Cottonwood Loop  
 City of Boardman, Oregon 97818  
 Morrow County

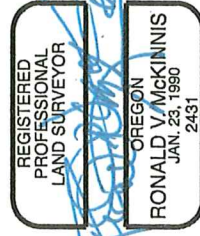
**SURVEYORS NARRATIVE :**

This Survey is Based on the best available found evidence. I used the found Property Corner as indicated along Cottonwood Loop and the Top Back of Curbs on Cottonwood Loop and Willow Fork Drive to establish the Lot Lines and the existing Right of Way both Street and Lot 11.

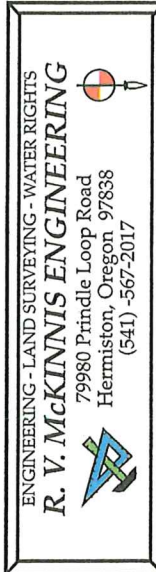
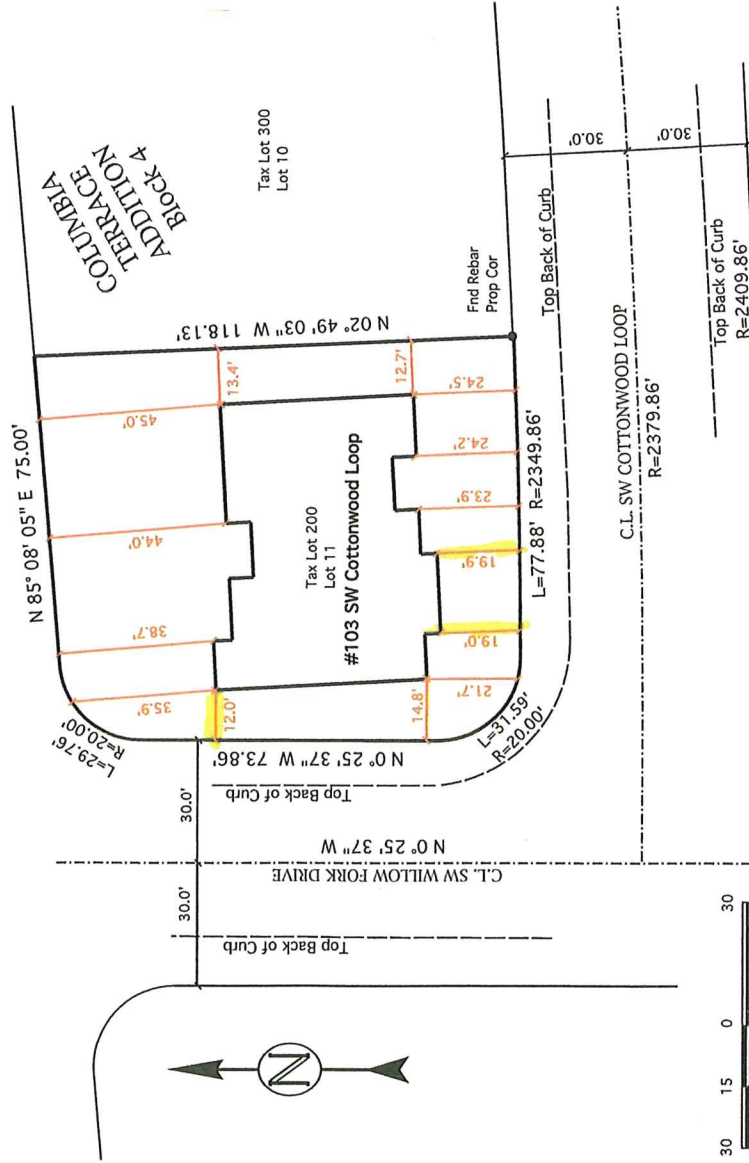
I measured distances from those Found Lot Lines to the Foundation of the Newly Constructed Residence located at 103 SW Cottonwood Loop. I have listed the found distances from the foundation to the established Lines of Lot 11, Block 4, 4N 25E 17AB, Tax Lot 200.

I, Ronald V. McKinnis, being a Registered Professional Land Surveyor of the State of Oregon, certify that I have correctly surveyed and recorded the Found Structure Corners with the best available information as existed at the time of my field survey for this 'Lot 11, Block 4 of Columbia Terrace Addition', located in the City of Boardman, Morrow County, Oregon.

By my Seal:



Foundation Survey for:  
 Jose Pacheco & Maria Madrigal,  
 Banner Bank,  
 &  
 Mid-Columbia Title Company  
 for:  
 103 SW Cottonwood Loop  
 Boardman, Oregon 97818  
 Morrow County  
 December, 2022



Rev. 12-16-22